

The Salisbury Planning Board held its regular meeting Tuesday, February 14, 2006, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

PRESENT: Dr. Mark Beymer, Lou Manning, Brian Miller, Valarie Stewart, Albert Stout, Dr. Kelly Vance, Price Wagoner, Charlie Walters, and Diane Young

ABSENT: Bryan Duncan (resigned), Sandy Reitz, and Bryce Ulrich

STAFF: Wendy Spry, Janet Gapen, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris, David Phillips, and Patrick Ritchie

Chairman Brian Miller called the meeting to order and offered the invocation. The minutes of the January 24, 2006, meeting were approved as published.

Tommy Hairston of Noble and Kelsey Funeral Home has been nominated for appointment to the Planning Board by City Council to replace the Extra Territorial Jurisdiction (ETJ) position left vacant by Bryan Duncan. Chairman Miller welcomed him pending the approval of the County Commissioners.

SIDEWALK PRESENTATION

Kathryn Clifton, Geographic Information Systems (GIS) Coordinator for the City of Salisbury, updated the Planning Board on the sidewalk data information that is currently available. This information is a result of the Institute for Transportation Research and Education (ITRE) pavement conditions survey funded by Public Services, Streets Division. This is done every 4-5 years depending on funding. The Pavement Conditions Survey includes only streets maintained by Salisbury. It is a tool used by the streets division to determine the maintenance needs and prioritization of street paving by including the information about sidewalk presence.

The City maintains 158 miles of streets based on centerline length. The majority (67 percent) of these streets do not have sidewalks. Nineteen percent do have sidewalks on both sides, 7.4 percent have sidewalk on left side only, and 7.0 percent have sidewalks on the right side only.

GIS Strategic Plan has highlighted a desire for multi-modal transportation data layers indicating sidewalks, bus routes, bicycle routes, greenways, as well as ADA Compliance. GIS made a \$20,000 request in the FY 2006-2007 GIS budget to employ a full-time intern who would collect the information. The field survey would highlight the condition of existing sidewalks and help to determine emphatically the presence or absence of sidewalk and the attributes that various City departments may be interested in.

Committee 1 will address the issue of the sidewalk plan:

Sandy Reitz, ch.

Lou Manning, v.ch.

Brian Miller

Price Wagoner

ZONING MAP AMENDMENTS

- Courtesy Hearing
- Board discussion
- Board action

Z-1-06, Scott Neely petitioner, was pulled from the agenda for further consideration. It is suggested that this case will return to the Planning Board February 28, 2006.

Z-02S-06 **JRNC, LLC**
 1918 W. Innes St
 Salisbury, NC 28144

LOCATION: Three parcels on the west side of Julian Road across from the Rowan Regional Medical Center Outpatient Center

From: M-1

To: B-1 and B-2S

Parcel: 400-009, 042, 043

Acres: 13.4

All individuals desiring to speak for this case were sworn in. This case requires quasi-judicial procedure. (Jake Alexander, Clay Lindsay, Preston Mitchell) Brian Miller and Charlie Walters disclosed that they had brief conversations with the petitioner.

The back of the property will be general zoning and the front is requesting the “S” District. The Planning Board will take three actions. Mr. Mitchell’s staff presentation included descriptions of the following:

General Zoning Districts

- M-1 district:
 - Light Industrial
 - Wholesaling and Distribution
 - Light Manufacturing, Processing, and Assemblage
- B-1 district:
 - Service-type businesses that generally do not stock goods
 - General and Medical Offices, banking, etc.

Special Zoning District

- B-2-S district:
 - Selection of “lighter” commercial activities
 - Includes all office and banking uses from B-1
 - Adds small-scale retail, restaurants, and other community-serving uses
 - S-District includes issuance of a Special Use District Permit that City Council has the authority to impose reasonable conditions.

Special Use Permit District (S-District)

- Conditional Zoning tool that must be voluntarily petitioned for by the property owner for establishment.
- Statute does not prohibit third-party rezoning once established.
- City Council has authority to impose reasonable conditions on the property that would run with the land:
- Conditions and the associated permit can be amended or revoked by the Council at any time in the future.
- City Council has authority to review, amend, and/or terminate a Special Use Permit based on certain circumstances.

2000 Strategic Growth Plan

- Industrial Development
 - Economic growth good and necessary as result of new industry
 - Must be appropriately located, well-planned
 - Heavy, Light, and Warehouse / Distribution

2000 Strategic Growth Plan

- Policy 4.2: Industrial development shall not be located in areas which would diminish the desirability of existing and planned non-industrial uses, nor shall non-industrial uses be allowed to encroach upon existing or planned industrial sites.
- Policy 4.3: Industrial development shall be located on land which is physically suitable and has unique locational advantages for industry. Advanced planning for the identification of such land shall be encouraged.

This area, and much of the M-1, is an “un-planned” light industrial area with commercial and office/corporate park development spreading throughout. Cumulative zoning is not “healthy” for future commercial or industrial growth. It is not fair to industry to continually deal with non-industrial users. Cumulative zoning is not mixed-use zoning. This area is clearly developing into corporate/office park environment. “Care should also be taken to see that office and institutional development does not become simply another form of linear strip development along the area's major thoroughfares.”

- Policy 6.2: Linear stripping of offices along thoroughfares shall be discouraged in favor of planned office parks or clusters of offices with common access, parking, etc.

Vision 2020 Comprehensive Plan

- Policy C-23: Large-scale commercial developments shall be encouraged, where appropriate, to contain a diverse mixture of retail, office, restaurant and service uses.
- Policy C-18: New commercial buildings shall pull up to the street; parking shall be placed to the rear or side of the structure.

B-2-S along Julian will provide those support services and uses – restaurant and retail – without intensive automotive uses. Staff made a request to prohibit Auto Fueling Stations and Auto Servicing Centers from B-2 district.

Staff Recommendation

Approve the request from the M-1 to the B-1 and M-1 to the B-2S, subject to the following conditions being added to the B-2-S Special Use District Permit:

1. That all street signage be monument signage in form and not to exceed 5 feet in height;
2. That all buildings address and front the new street and Julian Road with the primary entrance located off of either street; and
3. That all parking be placed to the rear of any building built in the B-2S area.

Board Actions

Planning Board member must make “Statement of Consistency” with each action. This is part of the changes made to the planning law in the fall of 2005.

“This change in zoning is (is not) consistent with all of the goals, objectives, and policies for growth and development in the City of Salisbury as contained within the 2000 Strategic Growth Plan and the Vision 2020 Comprehensive Plan.”

Staff distributed examples of potential findings of facts for the quasi-judicial portion of the request. There was a discussion about procedure.

1. Act on Legislative Rezoning M-1 to B-1
2. Act on Quasi-Judicial Rezoning M-1 to B-2-S
3. Act on Quasi-Judicial S-District Permit

Those speaking in favor:

Jake Alexander, 8 Woodland Road, owner and developer, along with Clay Lindsay, represent the project. They originally asked for BR-T and offered Planning Board a copy of the site plan. Mr. Alexander agreed with staff to remove any objectionable uses such as automotive uses. This conversation concerns the front two lots. The rear portion is B-1.

Mr. Alexander stated that he objects to conditions #1 and #3. He is not certain the topography will agree with the sign recommendation. The topography may also interfere with the parking.

Those speaking in opposition: NONE

Board Discussion

Preston Mitchell explained the cumulative code. This may be an area for future small area study. Mark Beymer wanted clarification on the location of parking. Preston stated that the intent is to prevent the parking from being located between the street and the face of the building. The recommendation, too, asks for the building to front Julian Road or the new street with the primary entrance located off of either street.

In the B-2 district, 40 square feet in area and 15 feet in height are the measurements allowable for signage; the staff recommendation is for the same sign area with maximum height of a 5-foot monument sign because that is the current trend for a typical office park environment.

Brian Miller stated that he is in support of the monument signage condition. That is, all street signage would be monument signage in form, not to exceed 5 feet in height. Mr. Alexander reminded the Planning Board that is he downzoning; if he did not downzone, he would be allowed to put the 15-high pole sign. He stated that the topography is unknown and he is not willing to accept the condition of the signage. Price offered a compromise of 10-foot height. Mr. Miller then stated that in view of Mr. Alexander's comments, he would agree with Mr. Alexander.

Board Action on Legislative Rezoning:

Diane Young made a MOTION to approve the zoning change from M-1 to B-1 for Z-02S-06, noting that this change in zoning is consistent with all of the goals, objectives, and policies for growth and development in the City of Salisbury as contained within the 2000 Strategic Growth Plan and the Vision 2020 Comprehensive Plan. Mark Beymer seconded the motion with all members voting AYE. (9-0)

Board Action on Quasi-judicial Rezoning:

Lou Manning made a MOTION to approve the quasi-judicial rezoning from M-1 to B-2-S because this change in zoning is consistent with all of the goals, objectives, and policies for growth and development in the City of Salisbury as contained within the 2000 Strategic Growth Plan and the Vision 2020 Comprehensive Plan. Mark Beymer seconded the motion with all members voting AYE. (9-0)

Board Action on Special District Permit:

Mr. Miller suggested changing the conditions by replacing #2 with "parking should not be between the building and Julian Road and omitting the third condition." Mark Beymer stated that he supported the comments made by the chair concerning the conditions.

Lou Manning made a MOTION to approve the "S" District Permit amending conditions to read parking should not be between the building and Julian Road. The signage could be elevated to the height of 10 feet. He then amended it to 15 feet. This change in zoning is consistent with all of the goals, objectives, and policies for growth and development in the City of Salisbury as contained within the 2000 Strategic Growth Plan and the Vision 2020 Comprehensive Plan. Albert Stout seconded the motion. The motion was passed 8-1 with Kelly Vance opposed.

Brian Miller stated that he would approve based on the fact that this area is developing into a business or corporate park environment and away from industrial uses and because this is a large-scale commercial development and provides a mixing of support services. This change in zoning is consistent with all of the goals, objectives, and policies for growth and development in the City of Salisbury as contained within the 2000 Strategic Growth Plan and the Vision 2020 Comprehensive Plan.

GROUP DEVELOPMENTS

1. **G-03-06** Hawkins Town Village
602 Hawkins Town Road
Tax Map 324, Parcel 082, Zoning R-6A-S

Mr. Rodney Queen submitted the application for the construction of a 48,600 square-foot condominium complex to include 54 units and 108 parking spaces to be on an 8.081-acre site located at 602 Hawkinstown Road. All zoning criteria have been met. The Technical Review Committee recommends approval of the application to the Planning Board. The requirements and conditions as imposed for this R-6A-S district are as follows:

- A) Single family residential
- B) Condominiums
- C) Single-story construction
- D) Maximum density of seven units per acre

Mr. David Phillips made a staff presentation for each Group Development.

Mr. Queen is providing complete visual separation and meets the parking and landscaping requirements, and all the setback requirements are being met.

Public Comment:

Mr. Rodney Queen, developer, of 101 Polo Drive made the following statements: Zoning was approved with the specifications for the "S" District. The layout meets all of the requirements for the established ordinance for R-6A zoning. The layout meets all the "S" District restrictions. The design and setbacks allow for continuation of water flow from properties above the development. The site plan has approval from the Department of Transportation. He appreciates Planning Board support.

Lou Manning made a MOTION to approve G-03-06. Charlie Walters seconded the motion with all members voting AYE. (9-0)

2. **G-04-06** Mercon Properties, LLC
1302 Richard Street
Tax Map 007, Parcel 189, Zoning M-1 (Light Industrial)

Mr. Gaillard Mervin of Mercon, LLC submitted the group development application for minor demolition of the existing structure and the addition of twenty-five parking spaces. The plan was reviewed as a group development due to the structure being over 10,000 square feet. All zoning criteria have been met. The Technical Review Committee recommends approval to the Planning Board of the application, as submitted (contingent on a driveway variance from City Council).

This is an existing facility. The rear will be maintained as a loading area accessible from Lee Street. It will have a bay door on the Richard Street side. Ten parking spaces were eliminated to allow maneuvering space for trucks. City Council will be asked to accept a variance for a driveway.

Public Comment:

Mr. Gaillard Mervin of Mercon, LLC lives in Concord and is owner of this property. The portion of the building he wants to take down was built in 1970 and is in great disrepair. The proposal will enhance the use of this property. He offered to answer any questions.

Lou Manning made a MOTION to recommend approval of G-04-06 to City Council as submitted, with the understanding that Council will make a decision about the driveway. Charlie Walters seconded the motion with all members voting AYE.

3. **G-05-06** Julian Park
600 Block of Julian road
Tax Map 400, Parcel 009 & 042
Zoning M-1 (Light Industrial)

Mr. Jake Alexander of JRNC, LLC submitted the group development application for the subdivision and construction of a business park to include seven structures on individual lots for a total of 115,000 square feet and two out-parcels to be developed at a later time. The plan was required to be reviewed as a group development since each of the proposed structures is over 10,000 square feet. The plan has been submitted as a unified development with a campus style layout. The developer requested that the side-yard planting areas be reviewed by alternate methods of compliance. The landscape plan was reviewed by the Staff Review Committee. It was determined by the committee that the style of the development has interconnectivity between parcels and parking predominately designated to the side and rear of the buildings; therefore, the request for alternate methods of compliance is granted. The developer has made an application requesting that the property to be rezoned to Office Institutional (B-1). The zoning requirements, including setbacks, parking and other landscaping requirements, have been met for both zoning districts, whether the property is zoned Light Industrial (M-1) or Office Institutional (B-1).

Significant grading has begun on the property. The plan includes sidewalks on Julian Road. Staff does not recommend approval because the length of the cul-de-sac does not meet the requirements of the subdivision ordinance.

Public Comment:

Jake Alexander of 8 Woodland Road, developer, stated that Julian Park will be a \$25 million investment in a mixed office, retail development. He appreciated that staff pointed out the requirements that had been met and there were some points that he disagreed with staff.

He and his partner, Clay Lindsay, had been advised by two architects that the roundabout that is approximately 200 feet into the development does serve as an intersection. There are spurs off of the roundabout in two directions, which they maintain creates connectivity within this development. Mr. Alexander noted that David Phillips pointed out in his presentation that parking is seamless; “that is interconnectivity.”

He further noted that they have no control over what is going on either side of the property. Zoning to the Interstate (I-85) side of the property is M-1 with a Mobile Home Overlay. Additionally, you are only looking at a one-dimensional site. The pictures show almost a 40-foot rise from one side of the property to the other, which means there is no way to connect a road because of the 30-40 foot high bank. To create the topography that allows them to build the development, there will also be anywhere from 6-20-foot bank on the other side. There will be a retaining wall. There is no way to connect without spending a significant amount of money.

He stated that, “If the City wants a 50-60-foot right-of-way, to adjacent property then that is a taking. Take it through eminent domain and pay the developer.”

Many of the connections in Salisbury are private connections. A 50-60-foot right-of-way would significantly reduce the value of the property. This could be an expense of \$125,000-\$250,000 for the developer.

He stated that they did not have to bring this project before Planning Board, but could have proceeded under M-1 without any discussion. He disagrees with staff’s opinion that the roundabout is not an intersection. He does not think that the connection can physically happen.

Board Discussion

Mr. Manning questioned whether the roundabout could be considered an intersection. Mr. Mikkelsen addressed the question. There are several different styles of connectivity: from one lot to the next and from one development to the next. Mr. Alexander is correct that he has made connectivity within his own development. That is not the sole intent of the subdivision ordinance; it is to insure connectivity from one development to the next, to the next, and so on.

The roundabout, for the purposes of Salisbury’s code, does not comprise an intersection. Subdivisions are built all of the time with public rights-of-ways. In order to meet the conditions established by the subdivision ordinance, developers build public streets often; it

is not a taking. Mr. Mikkelson would not be afraid to go to court under that claim. The question remains, “Does it meet the requirements of the subdivision ordinance?” Staff finds that it does not.

By subdividing into seven lots the public road becomes necessary. With the public road, there comes the requirement for the cul-de-sac to be limited to 600 feet. The city does not require connectivity to the adjacent property, but if the stub street was installed, that would be one way of meeting the 600-foot requirement. Planning Board has the authority to require the connectivity to an adjacent property. That is their discretion. As an alternate, the developer could do two things if he does not want to build connectivity to an adjacent property.

1. He could make the length of the cul-de-sac comply with the 600-foot requirement by shortening it.
2. He could drop to a different style of development where he does not sell individual lots; rather he does a condominium style. Then he does not have to subdivide and all of the infrastructure can be private.

Any street that ends in a permanent dead end or a cul-de sac requires 600 feet maximum length; 800 feet is the distance between intersections in block length not going to a dead end.

The roundabout in Forest Glen subdivision was part of a multi-phase development for streets not ending in a cul-de-sac that took a number of years to complete. By the time the developer got to the further phases the City had adopted the 600-foot requirement for cul-de-sacs and the 800-foot requirement between intersections on through streets. That developer was asked to comply with a new standard, although he had an existing design. The roundabout-style island was a compromise for traffic calming.

The route of appeal for a subdivision would be to City Council.

Mr. Miller is comfortable with the roundabout; he believes it accomplishes what the intersection is meant to accomplish. Kelly Vance said that it feels like “a slippery slope”—once you start saying ok, if, ok if. Planning Board is handing away the City’s Code. Diane Young stated that changes to the code may be necessary. She has an issue with not enforcing the City’s Ordinance. Mr. Stout and Charlie Walters both felt that it is becoming a consistent decision to override the ordinance. Mr. Miller commented, “If it is our job to do only as the coach says, then you do not need us sitting here.” He found no fault with the development.

Mr. Mitchell stated that the Planning Board should uphold the Comprehensive Plan and the growth plan. The Comprehensive Plan does call for interconnectivity between development and parcels of land.

Kelly Vance stated that she did find fault for the reasons of interconnectivity and the length of the cul-de-sac. She does feel it is important to uphold code; the staff are professionals and there was a great deal of effort put into writing the code. Once you begin making exceptions for one person you have to make exceptions for all.

Mark Beymer stated that he did not find fault with the development. He appreciates staff's position, the code, and the necessity of being consistent, but he does believe that we have the right to vote differently when we see that it is appropriate. He does support the plan as presented. In this location, the conditions for interconnectivity are not necessary, and the length of the cul-de-sac is mitigated by the roundabouts and the length is sufficient.

Board Action:

Mark Beymer made a **MOTION** to recommend approval of G-05-06 to City Council. Charlie Walters seconded the motion. It was approved (5-0). **AYE:** Albert Stout, Mark Beymer, Charlie Walters, Brian Miller, Valarie Stewart. **NAY:** Diane Young, Lou Manning, Kelly Vance, Price Wagoner.

It will proceed to City Council for the February 21, 2006, meeting.

Albert Stout made a motion to move past 6:00 p.m. – All agreed.

4. **G-06-06** Southern Equipment Services
809 N. Long Street
Tax Map 012, Parcels 016, 059, 209-1, 209, 208, & 026-2
Zoning: M-2

Mr. Leo Dunn of Emory Construction, LLC, Salisbury, submitted the application for the addition of 1,003 square feet to the existing 11,217 square-foot facility which will be used for office space and is located at 809 N. Long Street. The plan was reviewed as a group development due to the structure being over 10,000 square feet. All zoning criteria have been met. The Technical Review Committee recommends approval to the Planning Board of the application, as submitted.

Those speaking in favor of the improvements:

Mr. Leo Dunn of Emory Construction, LLC, Charlotte, NC—This is the current site of Power Curbers; Southern Equipment Services is the sales and services arm of Power Curbers. They currently operate out of a shop in China Grove. He explained the uses of the site.

Those speaking in opposition of the improvements: NONE

Board Discussion

Lou Manning made a **MOTION** to recommend approval of G-06-06 as submitted. Albert Stout seconded the motion with all members voting **AYE**. (8-0)

5. **G-02-06** Early Bird Properties, LLC (Dollar General)
2108 Mooresville Road
Tax Map 459, Parcels 049 & P/O 240, 242
Zoning BRT w/GDA Overlay

Ms. Jennifer Greer of Early Bird Properties, LLC, Chattanooga, TN, submitted the application for the construction of a 9,014 square-foot commercial retail building to be located at 2108 Mooresville Road. The plan has been reviewed as a group development because the property has a Group Development “A” Overlay placed on it which requires a legislative plan review. All zoning criteria have been met. The Technical Review Committee recommends approval of the application to the Planning Board as submitted.

This property was rezoned in 1992 to BRT with a General Development A Overlay, which requires any improvements to the site to come through the Group Development process.

In the immediate area are: Gospel Light Baptist Church, Carmel Baptist Church, and Trinity Wesleyan, and Salisbury Four Square. The remainder of the area is residential or agricultural. There is a power sub-station in the area. North Carolina Department of Transportation (NCDOT) has future plans to widen Mooresville Road. Landscaping was designed with this in mind. A 25-foot buffer is required on the residential side for complete visual separation; the remainder of the property requires an 8-foot landscape buffer. They requested a reduction in parking and will have 41 parking spaces rather than 45 with bonus landscaping.

Those speaking in favor of the improvements:

Billy Rigsby of The Hutton Company of Chattanooga, Tennessee spoke on behalf of the project. The owner of the company, Karen Hutton, was also present to respond to any questions.

Those speaking in opposition:

Ed Bitner, Pastor of Carmel Baptist Church, lives on Sales Road. He noted that there is a terrible traffic problem in this particular section of Hwy 150. He is not against the construction as much as he is the timing. NCDOT needs to fix their traffic problem before any further development takes place. His congregation asked him to speak on their behalf.

Blair Lyseski, Associate Minister at Trinity Wesleyan Church, lives in China Grove. He is concerned about the development as it comes into what has turned into a very nice residential area. There are many churches there. Traffic is of great concern; he has seen some terrible accidents. He questions the wisdom of bringing retail development out to that point at this time. It would be a detriment to the area.

Anthony Wike, Pastor of Gospel Light Baptist Church, resides in Harmony, NC. This development would be directly across from the church. The congregation’s concerns are similar to those who spoke ahead of him, particularly the concerns about traffic. They do

not understand why Dollar General would want to build there. It would change the residential feel of the neighborhood.

Darlene Blount of 212 Ferncliff Drive offered background on the 1992 zoning decision to add the overlay to protect the community. There was concern at that time that it was a hardship case. She would like to see higher quality in the facade. Access to Hwy 150 has been of great concern. She has had drivers run into her wall by not paying attention.

Gene Dehart of Statesville Boulevard in Salisbury is a member of Gospel Light Baptist Church and does not feel this is the right area for a Dollar General store. Aside from the traffic issue, he does not feel this location would be good for business.

Board Discussion:

The legislative plan process is the process for Group Development: it goes through the staff Technical Review Committee (TRC), Planning Board and City Council. Planning Board and City Council has three options: (1) Review and approve as submitted, (2) Review the application and make modifications--as long as they are reasonable, (3) Deny the application.

NCDOT did review the driveway and encouraged the wide driveway since there was no deceleration lane. The developer is proposing interconnectivity with adjacent properties. This may be used as a shared drive for future development.

This is a change of character to this area; it is something Planning Board should not enter into lightly. Brian Miller asked, "If this meets the city's criteria, are they obligated to approve"? Salisbury does not have building design standards. Planning Board has made the recommendation for facade improvements that were upheld and required by City Council; an example would be Wal Mart and RoMedical in Fulton Heights.

Mark Beymer is most concerned about the traffic flow. Albert Stout is empathetic about the concerns of the churches but does not think that is enough to justify disapproving the application. Lou Manning does not think the facade fits the surrounding area.

This is an area that city staff has been looking at as potential large-scale land use planning. It is important to note that the GDA Overlay was placed on the site as a pre-planning measure.

Brian Miller stated that if this were a rezoning issue he would not be in support of the BRT; however, since this fits into the BRT perhaps he would support it.

Kelly Vance made a recommendation that the elevation be more consistent with the surrounding area. More care is needed to the drive and entrance to the property.

Billy Rigsby was given another opportunity to speak. He met with Preston Mitchell and Lynn Raker prior to the meeting about ways to enhance the building. They talked about adding columns to the front of the building. Lynn Raker drew ideas for landscaping.

Karen Hutton stated that they were in the process of pricing various options. They have addressed this issue before. Some colored sketches will be submitted to staff and their client for approval.

Diane Young made a MOTION to send G-02-06 to Committee 2 for further review. Charlie Walters seconded the motion with all members voting AYE. (8-0) Members of the public left their contact information with the Planning Board secretary to be advised of the committee meeting date and time in the Council Chamber.

NOTE: Committee 2 meeting (Valarie Stewart, Albert Stout, Bryce Ulrich, Kelly Vance) was later set for Monday, February 27, at Noon in the Council Chamber, City Hall, 217 South Main Street.

6. **G-01-75** Salisbury High School
500 Lincolnton Road
Tax Map 013 & 019, Parcels 135 & 404, Zoning B-1

Ramsay, Burgin, Smith Architects, Inc. submitted the application for the revision to a previously approved parking lot containing 43 parking spaces to a proposal to include 83 parking spaces and will be located at the corner of Lincolnton and Caldwell Streets. The plan is required to be reviewed as a group development based on the structure being over 10,000 square feet and the site having more than 50 parking spaces. Although the site plan meets city code requirements, the Technical Review Committee is concerned that the proposed parking design is not sensitive to the historic nature of the school grounds.

When Salisbury (Boyden) High School was listed on the National Register in 1996, the school grounds were singled out as a contributing element of the site owing to the design of landscape architect Earle Sumner Draper (1893-1994) of Charlotte. Much of his original plans along the Lincolnton and Caldwell Street frontages remain intact, including the circular drive framing a large grass-covered lawn punctuated by specimen trees. This was the only vehicular drive shown on the original plans and it has seen only minor alterations over the years with the addition of sidewalks and a few spaces of diagonal parking. The driveway along Lincolnton Road was added sometime after 1950 to complement Draper's original pattern of sidewalks and lawns on this side. Similarly, the H-shaped plan of the main building was designed by architect Christopher Gadsden Sayre (1876-1933) to facilitate later additions to the rear.

By contrast, the proposed parking area is a significant departure from the original design for one of the primary facades which featured park-like green areas. That this change could impact the overall historic significance of the site should be carefully considered. A more sensitive approach to parking in this area could include more area devoted to landscaped islands, retention of specimen trees in good condition, less area of asphalt between the parking bays (currently 66') and a design which takes into account the curvilinear nature of the driveway. Also note that while Draper's original landscaping plan does not survive, the Deodora Cedar near the intersection of the circular drive and Caldwell Street is believed to be part of the original planting. The other specimen trees

may be original, or they may be later additions placed according to his directions. Based on the general plans, we also know that his design featured numerous pairs of symmetrical plantings of Japanese maples, crepe myrtles and other materials that still exist on the site.

The trees on the east lawn of Salisbury High School were recently inspected at the request of Dr. Windsor Eagle, Principal, by City of Salisbury Certified Arborists Mark Martin and Joe Morris. The results of the inspection are (1) The two maples on the property have significant physical defects and may be subject to structural failure due to downloading by wind or ice. Removal is recommended. (2) The Deodora Cedar near the northernmost drive access to Caldwell Street is in generally good health but would benefit from the removal of dead wood in its canopy. (3) The Winged Elm near Caldwell Street has experienced a negligible amount of storm damage, but due to its proximity to the public right-of-way and potential conflict with the proposed new sidewalk, is a candidate for removal. This tree should be scheduled for removal by the city Public Services Department. (4) The large Willow Oak and Red Oak trees adjacent to the Caldwell Street driveway are very significant trees and would benefit from a professionally prescribed management plan. While there are issues with these trees related to the presence of dead wood and soil compaction, there are options for treatment that would significantly prolong the life of these trees. However, given the current design of the parking lot, which is based on the maximization of surface parking spaces, tree removal would be dictated by the proposed parking arrangement.

Staff has concerns and reservations with the improvement. There was no public comment.

Lou Manning commented that they may use the parking issue as an excuse to close the school. Kelly Vance suggested that the school buses were an alternative.

Diane Young stated that because it is individually listed and the site appears to be a great part of the historic significance she would not be able to vote in favor of the plan as presented. She agrees with Dr. Vance's comment about bus transportation and the fact that there are other ways for students to get to Salisbury High without bringing their car and forcing the city to provide campus parking. It is a high school not a college campus. Charlie Walters echoed her thoughts, particularly as a graduate of Boyden (Salisbury High School).

Joe Morris, a certified arborist as well as the Planning and Community Development Manager, said that he had been to the site with Mark Martin, Landscape Manager for the City. The long-term impact of continuous parking on this site will be a compaction of the ground. The trees do require arable soil to allow an exchange of moisture, oxygen, carbon dioxide from the root system.

There are issues with the health of the trees, but they are not irreversible; there are treatments and, at some expense, they could be salvaged. The current plan would not accommodate that.

Diane Young felt the previously approved plan would help with some of the issues due to the fact that the curbing would define the parking area. Expansion of the parking area eliminates significant green space.

Albert Stout said he likes the feel of the green space. The loss of the city's tree canopy is a concern of his.

Lou Manning made a MOTION to recommend denying G-01-75. Albert Stout seconded the motion. The motion passed with a 7-1 VOTE. Mark Beymer voted against the motion.

Text Amendment

- T-04-06 ARISE text amendment

Staff recommends sending to a Legislative Committee to determine if the Division of Facility Services of N.C. Department of Health & Human Services (DHHS) will require licensure due to the program offering Behavior Management and Counseling Services.

Request to amend the City Zoning Code to allow for the use of 'Structured Treatment Facility', a term which has been created by staff for an exact use called the ARISE (At Risk Intervention for Social Enhancement) Structured Day Program.

This text amendment is requested because our current Code does not have a pre-defined use to conform to this specific use.

Based on research of the requested use, they appear to act as a Residential Treatment Facility, as defined by our City Code, but do not permanently house their clientele. This program accepts juveniles between 5th and 9th grades who have been expelled or suspended from the school system for five or more days. See the attached pamphlet for the exact program activities that are offered. The city defines a Residential Treatment Facility as, "a facility that primarily provides 24-hour supervision and level I, II or III therapeutic treatment as licensed by the North Carolina Department of Health and Human Services for adults or children with behavioral disorders, or juveniles adjudicated in a court of law as delinquent. Residential treatment facilities are limited to no more than six clients."

The School Board recognizes the existence of the program; however, they do not endorse the program as an educational alternative and do not officially recognize education or attendance credits received while attending the program. They have entered a Memorandum of Agreement with the School Board that essentially authorizes a school principal to inform the parent that the program exists, but no child is automatically entered into the program from the school system following expulsion or suspension.

Staff contacted the Division of Child Development at DHHS in Raleigh and they do not recognize the program since the designated age group exceeds their age threshold. The Division of Facility Services was also not familiar with the program, but they intend to contact the program administrator to determine if their program activities fall under DFS guidelines and

licensure. The Division of Facility Services regulates medical, mental health and group care facilities, emergency medical services, and local jails. Otherwise, staff was unable to find any state licensure requirements for this particular program.

According to staff research, the majority of funding is received from two separate sources:

(1) The Governor's Crime Commission and (2) the Rowan County Juvenile Crime Prevention Council (JCPC).

Planning Board made and approved a MOTION to send to Legislative Committee A. (8-0) A meeting will be scheduled at a later time.

COMMITTEES

Committee 1 will meet to discuss the sidewalk plan. (Later set for Thursday, February 23, at 8 a.m. in the first floor conference room.)

There being no further business to come before the Planning Board, the meeting was adjourned at 7:15 p.m.

Brian Miller, Chairman

Lou Manning, Vice Chairman

Secretary, Diana Moghrabi